

Minutes of Meeting of Board of Public Works of April 21st, 1936.

The Board of Public Works met in the offices of the Governor, State House, on Tuesday, April 21st, 1936.

Present -

Harry W. Nice, Governor.
Wm. S. Gordy, Jr., Comptroller.
Hooper S. Miles, Treasurer.

Mr. Blakeman, State Budget Director, attended the meeting.

msch.

The Secretary brought to the attention of the Board a bill from Doctor C. H. Beetem, Mt. Washington, Maryland, dated April 1st, 1936, in the amount of \$15.00, for professional services to Mr. Harry Atzrodt, during the period February 23rd to February 29th, 1936, Mr. Atzrodt being one of the Confederate Veterans being maintained by the State.

The Board approved the payment of the bill out of the Board's Contingent Fund.

The Secretary brought to the attention of the Board a bill from Gordon Tull, Esq., Attorney, Princess Anne, Maryland, dated March 21st, 1936, in the amount of \$121.51, covering legal services and expenses in connection with abstracting title and writing contract of sale in the transfer of the Princess Anne Academy, known as the Eastern Branch of the University of Maryland, to the State of Maryland, in accordance with the provisions of Chapter 548 of the Acts of 1935.

Of the amount of \$121.51, \$100.00 was for services,

and \$21.51 for expenses in connection with the trip made by Mr. Tull to Baltimore and for recording the deed and agreement.

The Board authorized the payment of the bill out of the Board's Contingent Fund.

The following letter from Crownsville State Hospital, dated April 13th, 1936, was read and considered -

CROWNSVILLE STATE HOSPITAL

April 13th, 1936.

Board of Public Works,
Annapolis, Maryland.

Att: Mr. J. O. McCusker.

Gentlemen:-

As per telephone conversation of Saturday, April 11th, I am writing to ask that we be authorized to use the balance of \$2,506.28 for the construction of proper roadways to connect the new building with the public road and also with the storeroom and service departments of the old hospital.

The probable cost will be somewhere in the neighborhood of \$4,500.00/ It is understood that we will have to furnish the balance from other funds appropriated to us.

If you will present this matter to your Board I would appreciate an answer at your very earliest convenience.

Very truly yours,

BOARD OF MANAGERS,
CROWNSVILLE STATE
HOSPITAL

WPG/F

By:/s/ William P. Gundry,
Sect.-Treas.

The Board approved the request outlined above and authorized the use of the balance of \$2,506.28 from the Construction Fund and also approved the suggestion that the balance necessary for the completion of the road work be provided out of the Budget for the Hospital for the current fiscal year.

The following letter from Doctor R. V. Truitt, Professor of Zoology of the College of Arts and Sciences, of the University of Maryland, College Park, dated April 8th, 1936, was read and considered -

UNIVERSITY OF MARYLAND
College Park, Md.

*Dept. of Research and
Education - Solomon*

April 8, 1936.

Mr. J. O. McCusker,
Secretary, Board of Public Works,
Annapolis, Maryland.

Dear Mr. McCusker:-

I am writing to advise the Board of Public Works concerning progress made with the W.P.A. program at the Chesapeake Biological Laboratory for which a grant was announced by you on January 13. It will be recalled that from W.P.A. sources funds were allocated in the sum of \$22,500. including the Boards' grant of \$7,800.00, with which to construct a pier and addition to the laboratory.

Due to the problem of local labor of right type the building has not been started and the chances of having this work done do not seem bright at this time. In fact, there seems little probability of the plan developing at all. The pier, however, has been started. This part of the work is assured. The cost of same will be approximately \$5,000. of which sum between five and six hundred dollars must be borne by the State. As was previously advised, the upkeep for this structure will come from the Laboratory fees and involve no added burden on the Treasury.

In connection with the payments to be made by the State for its part of the construction cost, will you not advise me as to how the finances are handled? We have not as yet paid any bills though one or two small ones are soon to come through. The entire sum will not exceed \$600.00 as has been indicated.

We feel encouraged in our fact finding activities by the interest of the Board of Public Works and its support.

Very truly yours,

.s. R. V. Truitt
Professor of Zoology.

RVT:ED

The Board approved the request of Doctor Truitt for a sum not exceeding \$600.00 as the State's contribution toward the cost of the construction of a pier at the Chesapeake Biological Laboratory, Solomons Island. The Board agreed to make this sum available from the 1936 Reserve Fund.

The following letter from Albert S. Cook, State Superintendent of Schools, was read and considered -

STATE DEPARTMENT OF EDUCATION

April 16, 1936.

The Honorable Members of
The Board of Public Works of Maryland,
Annapolis, Maryland.

c/o Mr. J. O. McCusker, Secretary.

Gentlemen:

The superintendents of many of the Equalization-Fund counties are now working on their school budgets for the coming year, and most of these must be in the hands of the County Commissioners between April 1 and June 1. The superintendents are beginning to ask me what allotments the Board of Public Works will make from the cushion fund of the 1937 budget to the Equalization Fund for the restoration of part of the cut in teachers' salaries and for payments toward fifty per cent of the cost of high school transportation as "authorized, empowered and requested" by Section 6 of Chapter 477 of the laws of 1935.

You will recall that your Board made available from the cushion fund in the 1936 budget \$87,500, which is being used to restore one-fourth of the cut in salaries of principals and teachers in Equalization-Fund counties, and \$20,000, which is being used to take care of approximately one-fourth of the additional fifty per cent of the cost of high school transportation in Equalization-Fund counties.

It is exceedingly important for the superintendents to have this information at the earliest possible date, and I hereby respectfully request that this matter be given consideration at your earliest possible convenience.

Sincerely yours,

/s/ Albert S. Cook,

State Superintendent of Schools.

ASC/REH

The Board agreed to make available from funds in the 1937 Budget the sum of \$87,500.00, which is to be used to restore one-fourth of the cut salaries of principals and teachers in the Equalization Fund Counties and \$20,000.00 which is being used to take care of approximately one-fourth of the additional 50% of the cost of High School Transportation in Equalization Fund Counties.

1937 Reserve Fund

The following letter from L. W. Gunby Company dated January 31st, 1936, covering certain work to be done in connection with additions to the Pine Bluff Sanatorium at Salisbury, Maryland, was read and considered -

L W GUNBY CO.

Salisbury, Maryland.

January 31, 1936.

Board of Public Works,
State of Maryland,
Annapolis, Maryland.

Gentlemen:-

We hereby propose to furnish all superintendence labor and incidental minor materials (other than that purchased by the Central Purchasing Bureau) as enumerated in the lists of material attached to the specifications, to completely install all materials and equipment as required for the alterations and extensions to the Electrical Work required for the Additions to the Pine Bluff Sanatorium at Salisbury, Maryland, for the lump sum of Thirteen Hundred Seventy-Six Dollars and no/100 -- (\$1,376.00).

Will carry on the work as the progress of building alterations and additions will permit and have the entire work completed and ready for operation when the building work is completed.

Yours very truly,

L. W. Gunby Company

Per
J. S. Graham Gunby
Vice-President.

Salisbury, Maryland.

Graham Gunby
IB

The Board approved the awarding of an order to L. W. Gunby Co. for the work outlined in their letter of January 31st.

The following letter from Lewis Morgan and Son, Salisbury, Maryland, dated March 2nd, 1936, for work in connection with the installation of plumbing and heating at Pine Bluff Sanatorium, Salisbury, Maryland, was read and considered-.

LEWIS MORGAN & SON

SALISBURY MD.

March 2, 1936.

Board of Public Works,
Annapolis, Maryland.

Gentlemen:-

We hereby propose to furnish all labor and incidental minor materials in connection with the installation of Plumbing and Heating as specified in the revised specifications prepared for the Plumbing and Heating required in the additions and alterations to the Pine Bluff Sanatorium near Salisbury, Maryland for the sum of Two thousand three hundred dollars \$2,300.00

If temporary heat is not necessary you may deduct the sum of \$80.00 from the above price.

Yours very truly,

Lewis Morgan & Son.

By--

Lewis Morgan.

The Board approved the awarding of an order to Lewis Morgan and Son to do the work outlined in their proposal.

The following letter from Mr. Wm. H. Blakeman, State Budget Director, to the Board of Public Works, dated April 20th, 1936, was read and considered -

EXECUTIVE DEPARTMENT
ANNAPOLIS, MD.

April 20, 1936.

Board of Public Works,
Annapolis, Maryland.

Gentlemen:-

The enclosed budget amendment calls for a transfer of funds in order to allow the State Board of Motion Picture Censors to hire an office girl to aid with the increased volume of work in their department. The funds for this position are to be drawn from an unused fund recently established calling for a film reviewer.

On October 21, 1935, the writer received a request in reference to the creation of the new position of Film Reviewer and after considerable correspondence with the Board and with the Employment Commissioner, a budget amendment was approved providing for this position. Upon the examination held by the Commissioner of Employment, none of the applicants technically qualifying for the work were of such a caliber that the Board cared to fill the position. This was in accordance with a prediction by the writer that for the money available there would be great difficulty in filling such an important position. The Board now is functioning without the reviewer but finds that they need an office girl and are transferring funds for this purpose from the unused balance of the Film Reviewing account.

I recommend the amendment for approval.

Yours very truly,

/s/ W. H. Blakeman,

State Budget Director.

The Board approved the recommendation of Mr. Blakeman.

Military Dept.

The following letter from General Milton A. Reckord to the State Budget Director, dated April 15th, 1936, was read and considered -

5th Regiment Armory
Baltimore, Maryland
April 15th, 1936.

Mr. William H. Blakeman,
State Budget Director,
2411 N. Charles Street,
Baltimore, Maryland.

Dear Mr. Blakeman:

Conforming to the agreement arrived at in the office of Governor Nice a few days ago I am handing you herewith an itemized breakdown sheet showing you the exact status of my budget item No. 19 covering supplies, repairs and equipment for armories. In the original budget set-up covering this item I was allowed only \$5,000.00, which amount was totally inadequate. I immediately appealed to Major Purdon Wright who later advised he had secured in a supplementary budget an additional \$5,000.00 under this item, making the total \$10,000.00.

Later on, when you had become Budget Director, I again presented my claim for consideration in connection with the "cushion fund" and received your reply thereto under date of August 9th, in which you corroborated the statement formerly made by Major Wright to the effect that an additional \$5,000.00 had been provided in the supplementary budget and you asked me at the time for the itemization of this \$5,000.00. I replied, under date of August 13th, to the effect that I understood that I now had the amount of \$10,000.00 under this item but in my opinion that amount was not sufficient.

I have proceeded for a period of six months and have made an honest effort to get along on the \$10,000.00 which I thought I had been appropriated under the item, and have actually expended up to and including March 31st, 1936, for repairs, armory supplies, etc., all of which were badly needed, the amount of \$6,498.92. I have recently received a letter from Comptroller Gordy deducting from the item \$5,000.00 which he now advises me was incorrectly set up initially and was not an additional appropriation as indicated in your letter above referred to. This leaves me in a terrible predicament in that from a bookkeeping point of view I have already overdrawn the amount to my credit with the Comptroller under item #19 to the extent of \$1,498.92, and am in addition without one cent for the next six months. It is, therefore, imperative that a minimum of \$10,000.00 be now granted me under this item. This amount will enable me to furnish the needed ordinary supplies and emergency repairs for the remainder of this fiscal year, and to supplement federal funds which I am able to secure for needed repairs to several of the armories.

The itemized breakdown indicating the \$10,000.00 state money and the federal money this will supplement is attached hereto for your information. I will greatly appreciate your early advice that I may count on the additional \$10,000.00 as I assure you every cent of it is absolutely needed.

Very truly yours,

/s/ Milton A. Reckord,
Major General,
Maryland National
Guard.

The Board approved the request of General Reckord, and authorized the allotment to the Military Department of \$10,000.00 out of funds to be received from the Federal Government as Grants in connection with work done at State institutions.

The following letter from the Attorney General dated April 20th, 1936, was read and considered -

THE STATE LAW DEPARTMENT

April 20, 1936.

Joseph O. McCusker, Esq., Secretary,
Board of Public Works,
Annapolis, Maryland.

Dear Mr. McCusker:-

I have examined, at your request, the copies of the resolution passed by the Board of Public Works at its meeting held on March 24th, 1936. Said resolution is as follows:

"WHEREAS Section 11 of Chapter 92 of the Acts of the General Assembly of 1935 (being known as the 1936 and 1937 Budget Act) empowers the Board of Public Works to supervise the expenditure of all appropriations contained in the Budget, and authorizes the said Board to establish rules and regulations, not inconsistent with law, to carry out its powers of supervision; and

"WHEREAS the Board has not heretofore established any such rules and regulations, but it is deemed advisable and appropriate that it should do so, and it is, THEREFORE-

"RESOLVED That the Board of Public Works hereby adopts the following rules and regulations by which it and the several State departments and State institutions shall be controlled with respect to the matters referred to in said rules, viz:

"1-In the absence of express legislative authority, no increase shall be made in the salary of any 'public officer' in the several departments and institutions of the State above the amount authorized by the Budget Bill of 1933 or the amount fixed by subsequent statute, whichever shall be the greater.

"2-No increase in the salary of any 'employee' in the several departments and institutions of the State shall become effective without the previous approval of the Board of Public Works.

"3-No appropriation made by the Legislature to any department or institution of the State shall be expended for any purpose other than that provided in the Budget Act of 1936-1937 without the approval of the Board in addition to the approval of the Governor as required by the Budget Act.

"4-No such department or institution shall hereafter employ any persons in excess of the number authorized by said Budget Act; provided, however, this rule shall not prevent the temporary employment of persons needed by any department or institution in emergencies so long as the aggregate pay-roll of such department or institution shall not exceed the total amount appropriated to it for salaries and wages.

"5-Each such department and institution, in making requisition upon the Comptroller for any sum paid, or to be paid, to any officer or employee of such department or institution for traveling, automobile and/or other expenses incurred in the performance of their duties, shall be required to furnish to the Comptroller an itemized statement of such expenses before a warrant is drawn upon the Treasurer for the payment thereof.

"6-Each such department and institution shall, on January 1st, April 1st, July 1st and October 1st, of each year, submit to the Board of Public Works a written detailed report of all sums paid to the officers and employees of such department and institution for traveling automobile and/or other expenses incurred in the performance of their duties during the preceding three months.

"AND BE IT FURTHER RESOLVED That the Secretary of the Board of Public Works shall submit to the Attorney General of Maryland a copy of this Resolution, and request his opinion as to the legality of its provisions."

This resolution was adopted pursuant to the authority given to the Board by Section 11 of Chapter 92 of the Acts of 1935 which section reads as follows:

"And be it further enacted, That the Board of Public Works is hereby authorized and empowered to supervise the expenditure of all appropriations contained in this budget and for that purpose the said Board shall have power to reduce or eliminate any appropriation which it may deem unnecessary, except the appropriation for the payment of interest and the retirement of the State debt and the appropriation to the Legislature and the Judiciary, and no officer, department, commission or employee shall be authorized to expend any appropriation or part of an appropriation which the Board of Public Works deems to be unnecessary. The said Board shall have full power and authority to establish rules and regulations, not inconsistent with law, to carry out the powers conferred by this section."

Section 11 above quoted must be read in connection with Section 7 of the same Act. The pertinent parts of Section 7 reads as follows:

"Any department, board, commission, institution or officer may at any time submit in writing to the Governor an amended schedule for the disbursement and apportionment of the appropriations made to it or him. If the Governor shall approve such amended schedule he shall transmit the same, with his certificate of approval, to the Comptroller and thereafter such appropriation shall be paid out in accordance with said amended schedule. Any such amended schedule so submitted to the Governor may be withdrawn at any time before the Governor has acted thereon. Any amended schedule approved by the Governor may be again amended at any time in like manner and with like effect. All

amendments and schedules made or approved by the Governor shall be reported by him to the next session of the General Assembly."

In my opinion the Board of Public Works under the authority of the above quoted sections is fully authorized to adopt rules and regulations number 1, 2, 4, 5 and 6 as contained in said resolution.

In my opinion rule number 3 as presently adopted extends the authority of the Board of Public Works beyond that given by the above quoted sections.

By the provisions of Section 7, the Governor upon application of any department, board, commission, institution and officer may approve an amended schedule for the disbursement and apportionment of the appropriations made to it or him, and when so approved by the Governor such amended schedule becomes effective. The Board of Public Works has no authority to require that any such amended schedule shall be approved by it as well as by the Governor before it becomes effective. Its power is only to reduce or eliminate any payment called for by such amended schedule which it deems to be unnecessary. The Board's power, therefore, is in the nature of a veto power with respect to particular expenditure rather than an initiative power with respect to the apportionment of appropriations. Inasmuch as the Board of Public Works has the power to disapprove of any part of an appropriation which it deems unnecessary, it would not appear necessary to adopt rule number 3.

Yours very truly,

/s/ Herbert R. O'Connor.

Attorney General.

HRO'c:EH
G.

After considering the matter very carefully, the Board agreed to give effect to the resolution it adopted on March 24th, 1936, which resolution was referred to the Attorney General for his views as to its legality, with exception of item 3 of the resolution, and the Comptroller agreed to take such steps as are necessary to put the resolution into effect as promptly as possible.


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Mr. Blakeman took up with the Board the question of making available to the Commission appointed by the Governor for the study of Occupational Diseases the sum of \$750.00 out of the Emergency Reserve Fund of 1936 to supplement item no. 22, Miscellaneous Appropriations, General Funds, fiscal year 1936, so that there will be sufficient funds available to the Commission to take care of expenses incurred in carrying out its duties.

The Board authorized the transfer.

Mr. Miles again brought to the attention of the Board that he was not receiving the proper cooperation from the State Roads Commission in the matter of insurance on automobiles, whereupon the Governor called his Secretary and dictated a letter to the Commission insisting that the action of the Board in placing its insurance under the jurisdiction of the State Treasurer be recognized and that there be no further delay on the part of the Commission in complying with the instructions of the Board in this matter.

There being no further business, the meeting adjourned.


Secretary.